

REMARKS

All of the claims which were active on appeal are currently active, these claims being claims 1 to 4, 9, 10, 13, 14 and 22 to 31 of which claims 1 to 4 and 27 have been allowed.

With regard to the Examiner's Amendment, this amendment is repudiated and not accepted. The agreement made was clearly made orally with the understanding that an interference would be declared in order to expedite matters since the subject matter thereof could be later recouped. The readability on the subject disclosure of the claims improperly cancelled is set forth in the amendment filed on or about April 30, 2002 in response to the final rejection.

The rejection of claim 11, 12, 15 and 16 is now moot since they have been canceled.

With reference to the rejection based upon Potter (U.S. 6,028,437) in view of 35 U.S.C. 135(b)(1), the examiner is requested to reread this section of the statute. The statute does not state that a claim copied from a patent cannot be considered if copied more than a year subsequent to issue of the patent under all circumstances. This section merely requires that the subject matter of the claim or claims copied from the patent also be the subject matter of a claim or claims existing in the application prior to one year after issue of the patent. Clearly, this requirement is met in the present case.

Claim 1 of Potter reads as follows:

An apparatus adaptable for the testing of semiconductor devices comprising:

[1] a package; and [2] a probe membrane [interconnecting layer] contained within said package [3] having electrical paths adaptable for coupling to test circuitry, wherein said probe membrane [interconnecting layer] includes [4] a probe member head [interconnecting layer surface], [5] a plurality of standoffs affixed to said probe membrane [interconnecting layer surface], and [6] a plurality of probe tips affixed to said probe membrane head [interconnecting layer surface], [7] said probe tips adaptable for making electrical contact with pads on said semiconductor device, [8] wherein said probe tips are compliant bump probe tips.

It can be seen as follows that the subject matter of claim 1 of Potter is found in the claims as originally filed in the subject application, namely October 1, 1998, which is prior to the issue date of Potter and clearly within the one year limitation set forth in 35 U.S.C. 135(b)(1).

Claim 1 of the subject application as originally filed requires [1] a package, [2] an interconnecting layer which is the same as the probe membrane of Potter, [3] having conductive paths, wherein the probe membrane [interconnecting layer] includes [4] a probe member head [interconnecting layer surface], [5] a plurality of standoffs (claim 5) affixed to the probe membrane [interconnecting layer surface], and [6] a plurality of probe tips (claim 6) affixed to the probe membrane head [interconnecting layer surface], [7] the probe tips adaptable for making electrical contact with pads on the semiconductor device, [8] wherein the probe tips are compliant bump probe tips (claim 6).

It follows from the above analysis that the subject matter of claim 1 of Potter was timely claimed and that Potter is not available as a reference under section 102 of Title 35 U.S.C.

Claims 9 and 10 were rejected under 35 U.S.C. 102(e) as being anticipated by Higgins III (U.S. 5,985,682). The rejection is respectfully traversed in view of the Declaration of the applicants herein filed with the paper entitled SUPPLEMENT TO THE AMENDMENT UNDER 37 C.F.R. 1.111 wherein the applicants state in their declaration that the invention disclosure attached to their declaration were prepared and signed by them prior to May 19, 1997, this being prior to the filing date of Higgins III. Accordingly, Higgins III is not available as a reference in this case.

Claims 22, 23, 25 and 29 were rejected under 35 U.S.C. 102(e) as being anticipated by Potter. The rejection is respectfully traversed since Potter is not available as a reference in this case for reasons stated above and can be used only to institute an interference as previously requested.

Claims 13 and 14 were rejected under 35 U.S.C. 103(a) as being unpatentable over Higgins III in view of Pasch et al. (U.S. 5,821,624). The rejection is respectfully traversed since Higgins III is not available as a reference in this case.

In view of the above remarks and the papers previously filed, reconsideration and institution of an interference are respectfully requested.

Respectfully submitted,



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